

REMARKS

Claims 12 to 21 are present for purposes of prosecution.

New claims 16 to 21 have been added to cover the reactants and product of Example 1 pages 13 and 14, (Claims 14 to 18) and the reactant naphthylmethyl chloride as disclosed on page 8, first full paragraph.

Claims 12 to 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner contends that,

"the reaction depends upon reacting three ingredients having relative concentrations for the three reactants. However, the claims are indefinite as to the scope of the expression "five equivalents of" the ketoester with the aryl methylchloride [benzyl chloride]. The claim does not indicate that the "five equivalents" are drawn to molar equivalents or are drawn to mass [weight] equivalents. In addition, the concentration of the "ArCH₂Cl" is not defined as one equivalent. Example 1 is drawn to concentrations, which meets either molar equivalent as being either 5:1 based on molar concentration or weight equivalents."

"Applicant is requested to clearly define each of the two reactants concentration, ketoester with the aryl methylchloride, with respect to the molar weight."

Claim 12 has been amended to indicate that the amounts of reactants are set out in terms of molar equivalents as indicated in the Specification at page 5, fourth paragraph and page 8, first full paragraph.

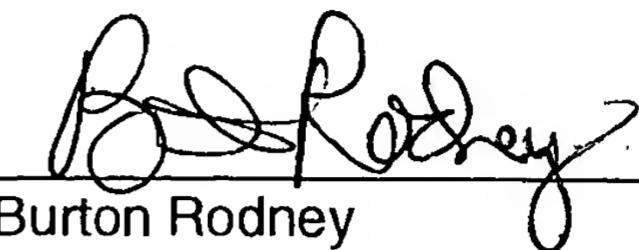
Applicants note the Examiner's comment that,

"the references of record do not suggest or motivate one to prepare beta ketoesters employing reaction conditions having a high excess of the starting alkyl acetoacetate relative to the arylmethyl chloride."

In view of the above, it is believed that Claims 12 to 21 overcome all formal objections and are in condition for allowance.

Respectfully submitted,

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